

HOUSE SUBSTITUTE

FOR

HOUSE COMMITTEE SUBSTITUTE

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FOR

SENATE BILLS NOS. 970, 968, 921, 867, 868 & 738

AN ACT

2 To repeal sections 136.055, 142.803, 144.020,
3 144.021, 144.805, 155.080, 226.030, 226.134,
4 226.200, 226.540, 226.550, 226.573, 226.580,
5 226.585, 226.670, 227.100, 301.129, 302.341,
6 302.720, 304.001, and 305.230, RSMo, and to
7 enact in lieu thereof thirty-three new
8 sections relating to transportation, with
9 penalty provisions and a referendum clause.
10

11 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
12 AS FOLLOWS:

13 Section A. Sections 136.055, 142.803, 144.020, 144.021,
14 144.805, 155.080, 226.030, 226.134, 226.200, 226.540, 226.550,
15 226.573, 226.580, 226.585, 226.670, 227.100, 301.129, 302.341,
16 302.720, 304.001, and 305.230, RSMo, are repealed and thirty-
17 three new sections enacted in lieu thereof, to be known as
18 sections 43.272, 136.055, 142.803, 144.020, 144.021, 144.805,

1 155.080, 226.030, 226.094, 226.134, 226.137, 226.200, 226.540,
2 226.550, 226.573, 226.580, 226.585, 226.670, 226.730, 227.100,
3 227.107, 227.108, 234.032, 301.129, 302.341, 302.720, 304.001,
4 304.370, 305.230, 307.205, 307.207, 307.209, and 307.211, to read
5 as follows:

6 43.272. 1. There is hereby created in the state treasury
7 the "Missouri State Highway Patrol Fund", which shall consist of
8 moneys distributed pursuant to subsection 3 of section 144.020,
9 RSMo. The fund shall be administered by the department of public
10 safety. Upon appropriation, moneys in the fund shall be used
11 exclusively for purposes authorized in this chapter.

12 2. Notwithstanding the provisions of section 33.080, RSMo,
13 to the contrary, any moneys remaining in the fund at the end of
14 the biennium shall not revert to the credit of the general
15 revenue fund.

16 3. The state treasurer shall invest moneys in the fund in
17 the same manner as other funds are invested. Any interest and
18 moneys earned on such investments shall be credited to the fund.

19 136.055. 1. Any person who is selected or appointed by the
20 state director of revenue to act as an agent of the department of
21 revenue, whose duties shall be the sale of motor vehicle licenses
22 and the collection of motor vehicle sales and use taxes under the
23 provisions of section 144.440, RSMo, and who receives no salary
24 from the department of revenue, shall be authorized to collect
25 from the party requiring such services additional fees as

1 compensation in full and for all services rendered on the
2 following basis:

3 (1) For each motor vehicle or trailer license sold, renewed
4 or transferred--two dollars and fifty cents beginning January 1,
5 1998; and four dollars beginning July 1, 2000[,]; and five
6 dollars beginning January 1, 2003, for those licenses biennially
7 renewed pursuant to section 301.147, RSMo. Beginning July 1,
8 2003, for each motor vehicle or trailer license sold, renewed or
9 transferred--three dollars and fifty cents and seven dollars for
10 those licenses sold or biennially renewed pursuant to section
11 301.147, RSMo;

12 (2) For each application or transfer of title--two dollars
13 and fifty cents beginning January 1, 1998;

14 (3) For each chauffeur's, operator's or driver's license --
15 two dollars and fifty cents beginning January 1, 1998; and four
16 dollars beginning July 1, 2000[,]; and five dollars beginning
17 July 1, 2003, for six-year licenses issued or renewed;

18 (4) For each notice of lien processed--two dollars and
19 fifty cents beginning August 28, 2000;

20 (5) No notary fee or other fee or additional charge shall
21 be paid or collected except for electronic telephone transmission
22 reception--two dollars.

23 2. [This section shall not apply to agents appointed by the
24 state director of revenue in any city, other than a city not

1 within a county, where the department of revenue maintains an
2 office.] All fees charged shall not exceed those in this
3 section.

4 3. Any person acting as agent of the department of revenue
5 for the sale and issuance of licenses and other documents related
6 to motor vehicles shall have an insurable interest in all license
7 plates, licenses, tabs, forms and other documents held on behalf
8 of the department.

9 4. The fee increases authorized by this section and
10 approved by the general assembly were requested by the fee
11 agents. All fee agent offices shall display a three foot by four
12 foot sign with black letters of at least three inches in height
13 on a white background which states:

14 The increased fees approved by the
15 Missouri Legislature and charged by
16 this fee office were requested by the
17 fee agents.

18 142.803. 1. A tax is levied and imposed on all motor fuel
19 used or consumed in this state as follows:

20 (1) Motor fuel, seventeen cents per gallon[. Beginning
21 April 1, 2008, the tax rate shall become eleven cents per
22 gallon];

23 (2) Alternative fuels, not subject to the decal fees as
24 provided in section 142.869, with a power potential equivalent of
25 motor fuel. In the event alternative fuel, which is not commonly

1 sold or measured by the gallon, is used in motor vehicles on the
2 highways of this state, the director is authorized to assess and
3 collect a tax upon such alternative fuel measured by the nearest
4 power potential equivalent to that of one gallon of regular grade
5 gasoline. The determination by the director of the power
6 potential equivalent of such alternative fuel shall be prima
7 facie correct;

8 (3) Aviation fuel used in propelling aircraft with
9 reciprocating engines, nine cents per gallon as levied and
10 imposed by section 155.080, RSMo, to be collected as required
11 under this chapter.

12 2. All taxes, surcharges and fees are imposed upon the
13 ultimate consumer, but are to be precollected as described in
14 this chapter, for the facility and convenience of the consumer.
15 The levy and assessment on other persons as specified in this
16 chapter shall be as agents of this state for the precollection of
17 the tax.

18 144.020. 1. A tax is hereby levied and imposed upon all
19 sellers for the privilege of engaging in the business of selling
20 tangible personal property or rendering taxable service at retail
21 in this state. The rate of tax shall be as follows:

22 (1) Upon every retail sale in this state of tangible
23 personal property, including but not limited to motor vehicles,
24 trailers, motorcycles, mopeds, motortricycles, boats and outboard
25 motors, a tax equivalent to four percent of the purchase price
26 paid or charged, or in case such sale involves the exchange of

1 property, a tax equivalent to four percent of the consideration
2 paid or charged, including the fair market value of the property
3 exchanged at the time and place of the exchange, except as
4 otherwise provided in section 144.025;

5 (2) A tax equivalent to four percent of the amount paid for
6 admission and seating accommodations, or fees paid to, or in any
7 place of amusement, entertainment or recreation, games and
8 athletic events;

9 (3) A tax equivalent to four percent of the basic rate paid
10 or charged on all sales of electricity or electrical current,
11 water and gas, natural or artificial, to domestic, commercial or
12 industrial consumers;

13 (4) A tax equivalent to four percent on the basic rate paid
14 or charged on all sales of local and long distance
15 telecommunications service to telecommunications subscribers and
16 to others through equipment of telecommunications subscribers for
17 the transmission of messages and conversations and upon the sale,
18 rental or leasing of all equipment or services pertaining or
19 incidental thereto; except that, the payment made by
20 telecommunications subscribers or others, pursuant to section
21 144.060, and any amounts paid for access to the Internet or
22 interactive computer services shall not be considered as amounts
23 paid for telecommunications services;

24 (5) A tax equivalent to four percent of the basic rate paid
25 or charged for all sales of services for transmission of messages
26 of telegraph companies;

1 (6) A tax equivalent to four percent on the amount of sales
2 or charges for all rooms, meals and drinks furnished at any
3 hotel, motel, tavern, inn, restaurant, eating house, drugstore,
4 dining car, tourist cabin, tourist camp or other place in which
5 rooms, meals or drinks are regularly served to the public;

6 (7) A tax equivalent to four percent of the amount paid or
7 charged for intrastate tickets by every person operating a
8 railroad, sleeping car, dining car, express car, boat, airplane
9 and such buses and trucks as are licensed by the division of
10 motor carrier and railroad safety of the department of economic
11 development of Missouri, engaged in the transportation of persons
12 for hire;

13 (8) A tax equivalent to four percent of the amount paid or
14 charged for rental or lease of tangible personal property,
15 provided that if the lessor or renter of any tangible personal
16 property had previously purchased the property under the
17 conditions of "sale at retail" as defined in subdivision [(8)]
18 (10) of section 144.010 or leased or rented the property and the
19 tax was paid at the time of purchase, lease or rental, the
20 lessor, sublessor, renter or subrenter shall not apply or collect
21 the tax on the subsequent lease, sublease, rental or subrental
22 receipts from that property. The purchase, rental or lease of
23 motor vehicles, trailers, motorcycles, mopeds, motortricycles,
24 boats, and outboard motors shall be taxed and the tax paid as
25 provided in this section and section 144.070. In no event shall
26 the rental or lease of boats and outboard motors be considered a

1 sale, charge, or fee to, for or in places of amusement,
2 entertainment or recreation nor shall any such rental or lease be
3 subject to any tax imposed to, for, or in such places of
4 amusement, entertainment or recreation. Rental and leased boats
5 or outboard motors shall be taxed [under the provisions of]
6 pursuant to the sales tax laws as provided under such laws for
7 motor vehicles and trailers. Tangible personal property which is
8 exempt from the sales or use tax [under] pursuant to section
9 144.030 upon a sale thereof is likewise exempt from the sales or
10 use tax upon the lease or rental thereof.

11 2. All tickets sold which are sold [under the provisions
12 of] pursuant to sections 144.010 to 144.525 which are subject to
13 the sales tax shall have printed, stamped or otherwise endorsed
14 thereon, the words "This ticket is subject to a sales tax.".

15 3. (1) In addition to the tax levied and imposed pursuant
16 to subdivisions (1) to (8) of subsection 1 of this section, an
17 additional tax of one percent is hereby levied and imposed upon
18 all sellers for the privilege of engaging in the business of
19 selling tangible personal property or rendering taxable service
20 at retail in this state, and in addition to the tax levied and
21 imposed pursuant to section 144.440, there is hereby levied and
22 imposed upon every person for the privilege of using the highways
23 or waterways of this state an additional tax equivalent to one
24 percent of the purchase price, as defined in section 144.070,
25 which is paid and charged on new and used motor vehicles,
26 trailers, boats, and outboard motors purchased or acquired for

1 use on the highways or waters of this state which are required to
2 be registered pursuant to the laws of Missouri. Except for the
3 revenue derived from the additional one percent rate imposed upon
4 the sale of motor vehicles, trailers, motorcycles, and
5 motortricycles, and the additional one percent imposed upon the
6 purchase price of new and used motor vehicles, trailers, boats,
7 and outboard motors for the privilege of using the highways or
8 waterways of this state, which shall be distributed pursuant to
9 article IV, section 30(b) of the Missouri Constitution, the
10 revenue derived from the additional one percent rate imposed
11 pursuant to this section shall be deposited and used exclusively
12 as follows:

13 (a) One-sixteenth of such revenue to be deposited in the
14 Missouri state highway patrol fund; these funds shall not reduce
15 or offset any future appropriation to the Missouri state highway
16 patrol and shall be in addition to any appropriation for the
17 Missouri state highway patrol.

18 (b) Ten percent of such revenue to be deposited in the
19 state transportation fund;

20 (c) The remainder of such revenue to be deposited in the
21 state road fund.

22 (2) The additional revenue derived from the tax imposed by
23 this subsection shall not be part of the total state revenue
24 within the meaning of article X, sections 17 and 18 of the
25 Missouri Constitution. The expenditure of this revenue shall not
26 be an expense of state government pursuant to article X, section

1 20 of the Missouri Constitution. The additional tax imposed by
2 this subsection shall expire on December 31, 2022.

3 144.021. The purpose and intent of sections 144.010 to
4 144.510 is to impose a tax upon the privilege of engaging in the
5 business, in this state, of selling tangible personal property
6 and those services listed in section 144.020. The primary tax
7 burden is placed upon the seller making the taxable sales of
8 property or service and is levied at the rate provided for in
9 section 144.020. Excluding sections 144.070, 144.440 and
10 144.450, the extent to which a seller is required to collect the
11 tax from the purchaser of the taxable property or service is
12 governed by section 144.285 and in no way affects sections
13 144.080 and 144.100, which require all sellers to report to the
14 director of revenue their "gross receipts", defined herein to
15 mean the aggregate amount of the sales price of all sales at
16 retail, and remit tax at [four] five percent of their gross
17 receipts.

18 144.805. 1. In addition to the exemptions granted pursuant
19 to the provisions of section 144.030, there shall also be
20 specifically exempted from the provisions of sections 144.010 to
21 144.525, sections 144.600 to 144.748, and section 238.235, RSMo,
22 and the provisions of any local sales tax law, as defined in
23 section 32.085, RSMo, and from the computation of the tax levied,
24 assessed or payable pursuant to sections 144.010 to 144.525,
25 sections 144.600 to 144.748, and section 238.235, RSMo, and the
26 provisions of any local sales tax law, as defined in section

1 32.085, RSMo, all sales of aviation jet fuel in a given calendar
2 year to common carriers engaged in the interstate air
3 transportation of passengers and cargo, and the storage, use and
4 consumption of such aviation jet fuel by such common carriers, if
5 such common carrier has first paid to the state of Missouri, in
6 accordance with the provisions of this chapter, state sales and
7 use taxes pursuant to the foregoing provisions and applicable to
8 the purchase, storage, use or consumption of such aviation jet
9 fuel in a maximum and aggregate amount of one million five
10 hundred thousand dollars of state sales and use taxes in such
11 calendar year.

12 2. To qualify for the exemption prescribed in subsection 1
13 of this section, the common carrier shall furnish to the seller a
14 certificate in writing to the effect that an exemption pursuant
15 to this section is applicable to the aviation jet fuel so
16 purchased, stored, used and consumed. The director of revenue
17 shall permit any such common carrier to enter into a direct-pay
18 agreement with the department of revenue, pursuant to which such
19 common carrier may pay directly to the department of revenue any
20 applicable sales and use taxes on such aviation jet fuel up to
21 the maximum aggregate amount of one million five hundred thousand
22 dollars in each calendar year. The director of revenue shall
23 adopt appropriate rules and regulations to implement the
24 provisions of this section, and to permit appropriate claims for
25 refunds of any excess sales and use taxes collected in calendar
26 year 1993 or any subsequent year with respect to any such common

1 carrier and aviation jet fuel.

2 3. The provisions of this section shall apply to all
3 purchases and deliveries of aviation jet fuel from and after May
4 10, 1993.

5 4. [Effective September 1, 1998,] All sales and use tax
6 revenues upon aviation jet fuel received pursuant to this
7 chapter, less the amounts specifically designated pursuant to the
8 constitution or pursuant to section 144.701, for other purposes,
9 shall be deposited to the credit of the aviation trust fund
10 established pursuant to section 305.230, RSMo[; provided however,
11 the amount of such state sales and use tax revenues deposited to
12 the credit of such aviation trust fund shall not exceed five
13 million dollars in each calendar year].

14 5. The provisions of this section and section 144.807 shall
15 expire on December 31, [2003] 2008.

16 155.080. 1. There is hereby imposed a use tax on each
17 gallon of aviation fuel used in propelling aircraft with
18 reciprocating engines. The tax is imposed at the rate of nine
19 cents per gallon. Such tax is to be collected and remitted to
20 this state or paid to this state in the same manner and method
21 and at the same time as is prescribed by chapter 142, RSMo, for
22 the collection of the motor fuel tax imposed on each gallon of
23 motor fuel used in propelling motor vehicles upon the public
24 highways of Missouri.

25 2. All applicable provisions contained in chapter 142,
26 RSMo, governing administration, collection and enforcement of the

1 state motor fuel tax shall apply to this section, including but
2 not limited to reporting, penalties and interest.

3 3. Each commercial agricultural aircraft operator may apply
4 for a refund of the tax it has paid for aviation fuel used in a
5 commercial agricultural aircraft. All such applications for
6 refunds shall be made in accordance with the procedures specified
7 in chapter 142, RSMo, for refunds of motor fuel taxes paid. If
8 any person who is eligible to receive a refund of aviation fuel
9 tax fails to apply for a refund as provided in chapter 142, RSMo,
10 [he makes a gift of his refund to the aviation trust fund] the
11 refund amount shall be deposited to the credit of the aviation
12 trust fund pursuant to section 305.230, RSMo.

13 226.030. [The state highways and transportation commission
14 shall consist of six members, who shall be appointed by the
15 governor, by and with the advice and consent of the senate, not
16 more than three thereof to be members of the same political
17 party. Each commissioner shall be a taxpayer and resident of
18 state for at least five years prior to his appointment. Any
19 commissioner may be removed by the governor if fully satisfied of
20 his inefficiency, neglect of duty, or misconduct in office. All
21 commissioners appointed prior to October 13, 1965, shall serve
22 the term for which they were appointed. Commissioners appointed
23 pursuant to this section shall be appointed for terms of six
24 years. Upon the expiration of each of the foregoing terms of
25 these commissioners a successor shall be appointed for a term of

1 six years or until his successor is appointed and qualified which
2 term of six years shall thereafter be the length of term of each
3 member of the commission unless removed as above provided. The
4 members of the commission shall receive as compensation for their
5 services twenty-five dollars per day for the time spent in the
6 performance of their official duties, and also their necessary
7 traveling and other expenses incurred while actually engaged in
8 the discharge of their official duties.]

9 1. A transportation commission appointed by the governor,
10 by and with the advice and consent of the senate, shall consist
11 of six members appointed to six-year terms, except that the
12 present members of the transportation commission shall serve for
13 the remainder of their terms as follows: members whose terms
14 otherwise expire December 1, 2003, shall serve with terms
15 expiring July 1, 2004; a member whose term otherwise expires
16 December 1, 2005, shall serve with a term expiring July 1, 2006;
17 a member whose term otherwise expires December 1, 2007, shall
18 serve with a term expiring July 1, 2008; and of the members whose
19 terms otherwise expire December 13, 2007, one member shall serve
20 with a term expiring July 1, 2006, and the other member shall
21 serve with a term expiring July 1, 2008, as determined by the
22 governor. The house and senate leadership, which shall mean the
23 speaker of the house of representatives, the president pro
24 tempore of the senate, and the minority floor leaders of the

1 house and of the senate, from the same political party shall by
2 party supply three candidates to the governor for selection as
3 members of the commission. The governor shall select one
4 candidate from each party. The candidates shall be appointed by
5 July first in even-numbered years. In the event of a vacancy on
6 the commission, the house and senate leadership of that political
7 party of the vacating member shall submit three candidates for
8 selection as a member to the commission to the governor within
9 thirty days of the vacancy. The governor shall have fifteen days
10 to select a new member of the commission. The new member of the
11 commission shall serve only the remainder of the unexpired six-
12 year term of the vacating member.

13 2. No more than one-half of the members of the
14 transportation commission shall be of the same political party.
15 The selection and removal of all employees of the department of
16 transportation shall be without regard to political affiliation.

17 3. The present members of the transportation commission
18 shall serve as members of the transportation commission for the
19 remainder of the terms for which they were appointed, except as
20 provided in subsection 2 of this section.

21 4. All references to the highway commission or the highways
22 and transportation commission and the department of highways in
23 the statutes shall mean the transportation commission and the
24 department of transportation.

1 226.094. 1. The state highways and transportation
2 commission shall appoint an inspector general. The inspector
3 general shall report to and be under the general supervision of
4 the commission with periodic reports to the speaker of the house
5 of representatives and the president pro tempore of the senate
6 and the commission. However, the commission or general assembly,
7 by concurrent resolution, may request the inspector general to
8 perform specific investigations, reviews, or other studies, in
9 which instance the inspector general shall report the findings
10 and recommendations directly to the speaker of the house of
11 representatives and the president pro tempore of the senate. The
12 inspector general shall file an annual report with the joint
13 committee on transportation oversight. The inspector general
14 shall not be dismissed without cause by the commission unless the
15 commission's actions are approved by concurrent resolution of the
16 general assembly.

17 2. The inspector general shall promote economy, efficiency,
18 effectiveness, and public integrity in the administration of the
19 programs and operations of the department; to detect and prevent
20 fraud, waste, and abuse in department programs and operations; to
21 conduct and supervise investigations and reviews relating to
22 department programs and operations; to provide independent and
23 objective assistance to help assure the department is operated in
24 compliance with the constitutions and laws of the United States
25 and the state of Missouri; to keep the commission, the director,
26 and the director's staff fully and currently informed about any

1 problems or deficiencies relating to the administration of
2 department programs and operations and the necessity for and
3 progress of any corrective actions taken; and to perform other
4 duties as the inspector general may be assigned by the director.

5 3. To accomplish the duties of the inspector general, the
6 inspector general may:

7 (1) Request the issuance of a subpoena or a subpoena duces
8 tecum in connection with any investigation and as deemed
9 necessary by the inspector general. The commission, or any two
10 members thereof, shall have the authority to issue such subpoenas
11 and subpoenas duces tecum upon the request of, and after being
12 provided information supporting the grounds for such issuance by,
13 the inspector general. No commission member shall be summoned,
14 deposed, subpoenaed, or otherwise compelled to testify or justify
15 regarding the basis for, or the information provided regarding,
16 the issuance of a subpoena or subpoena duces tecum pursuant to
17 this section. Subpoenas and subpoena duces tecum shall extend to
18 all parts of the state and shall be served and returned as in
19 civil actions in the circuit court. In cases of refusal to obey
20 a subpoena or subpoena duces tecum issued by the commission, the
21 circuit court of Cole County, or of any county where the person
22 or entity refusing to obey such subpoena or subpoena duces tecum
23 may be found, on application by the inspector general, shall have
24 the power and jurisdiction to issue an order requiring such
25 person or entity to appear before the inspector general or
26 produce the documents requested, and any failure to obey such

1 order shall be punished by the court as a contempt thereof;

2 (2) Administer to or take from any person an oath,
3 affirmation, or affidavit, which oath, affirmation, or affidavit,
4 when administered or taken by or before an authorized employee of
5 the inspector general, shall have the same force and effect as if
6 administered or taken by or before an officer having a seal.

7 4. Notwithstanding any provision of law to the contrary,
8 any record or document or thing including but not limited to any
9 summary, writing, complaint, data of any kind, tape or video
10 recordings, electronic transmissions, e-mail, other paper or
11 electronic documents, records, reports, digital recordings,
12 photographs, software programs and software, expense accounts,
13 phone logs, diaries, travel logs, or other things, including
14 originals or copies of any of the above, contained in the
15 inspector general's files or department databases regarding a
16 complaint, a review or an investigation by the inspector general
17 relating to department programs, operations or employees, or a
18 summary or description of the nature or subjects of such
19 complaint, review, or investigation, or any complaint, review, or
20 investigative report containing confidential recommendations
21 regarding the subject of potential future reviews,
22 investigations, prosecutions, or litigations, shall be considered
23 closed records. In the event an investigation or review by the
24 inspector general is being administered concurrently with a
25 separate civil or criminal investigation by another federal,
26 state or local agency or entity, this closed record protection

1 will continue even if these closed documents are deemed necessary
2 by the inspector general to be delivered outside of the office of
3 the inspector general in order to accomplish the duties of the
4 inspector general or when these closed documents are provided to
5 the director or the commission for their information or review.

6 226.134. All projects funded by bonds authorized in section
7 226.133 and 226.137 shall be funded in conformity with the
8 priorities established in the 1992 plan developed by the
9 transportation department.

10 226.137. 1. The general assembly may authorize the
11 highways and transportation commission to issue bonds or other
12 evidence of indebtedness from fiscal year 2007 to fiscal year
13 2022. The principal amount of such bonds shall be no less than
14 one hundred fifty million dollars nor greater than two hundred
15 fifty million dollars in any one fiscal year. Net proceeds,
16 after costs of issuance have been paid, from the issuance of the
17 bonds shall be provided to the highways and transportation
18 commission to pay for the cost of construction engineering and
19 construction. The proceeds from the bonds shall not be used to
20 pay for administrative expenses, including but not limited to
21 planning and design expenses. Contracted final design shall not
22 be considered an administrative expense, but shall not exceed
23 seven percent of any project.

24 2. To obtain authorization for the issuance of bonds, the
25 highways and transportation commission shall annually present to
26 the general assembly, by the tenth legislative day, a proposed

1 plan and an analysis demonstrating the feasibility and
2 appropriateness thereof. The plan to issue bonds shall become
3 effective no later than forty-five calendar days after the plan
4 proposed by the highways and transportation commission is
5 submitted to a regular session of the general assembly, unless it
6 is disapproved within forty-five calendar days of its submission
7 to a regular session by a concurrent resolution introduced within
8 fourteen calendar days of the submission of the plan to a regular
9 session of the general assembly and adopted by a majority vote of
10 the elected members of each house. If no concurrent resolution
11 disapproving of the highway plan is introduced within fourteen
12 calendar days of the submission of the plan to the legislature,
13 then the plan shall become effective immediately. The presiding
14 officer of each house in which a concurrent resolution
15 disapproving of a plan to issue bonds has been introduced, unless
16 the resolution has been previously accepted or rejected by that
17 house, shall submit it to a vote of the membership not sooner
18 than seven calendar days or later than fourteen calendar days
19 after introduction of the concurrent resolution pertaining to the
20 department of transportation plan. The presiding officer of the
21 house passing a concurrent resolution disapproving of a plan to
22 issue bonds shall immediately forward the bill to the other house
23 and the presiding officer of that house shall submit it to a vote
24 of the membership not sooner than seven calendar days or later
25 than fourteen calendar days of its receipt from the other
26 legislative body. The plan submitted by the highways and

1 transportation commission shall not be subject to amendment by
2 either chamber and may only be rejected in its entirety.

3 3. The highways and transportation commission shall offer
4 such bonds at public sale or negotiated sale. The bonds shall be
5 for a period of not less than ten years and not more than twenty
6 years from their date of issue and shall bear interest at a rate
7 or rates not exceeding the rate permitted by law.

8 4. The net proceeds of the sale or sales of any bonds
9 issued pursuant to this section shall be paid into the state road
10 fund to be expended for the purpose specified pursuant to section
11 226.220.

12 5. Bonds issued pursuant to this section shall be state
13 road bonds as such term is used in section 30(b) of article IV of
14 the Missouri Constitution, and as such, principal and interest
15 payments on such bonds shall be made from the state road fund as
16 provided in section 30(b) of article IV of the Missouri
17 Constitution. Bonds issued pursuant to this section shall not be
18 deemed to constitute a debt or liability of the state or a pledge
19 of the full faith and credit of the state, and the principal and
20 interest on such bonds shall be payable solely from the state
21 road fund. Bonds issued pursuant to this section, the interest
22 thereon, or any proceeds from such bonds shall be exempt from
23 taxation in the state of Missouri for all purposes except for the
24 state estate tax.

25 6. Bonds may be issued for the purpose of refunding, either
26 at maturity or in advance of maturity, any bonds issued pursuant

1 to this section. The net proceeds of such refunding bonds, after
2 costs of issuance have been paid, may either be applied to the
3 payment of the bonds being refunded or deposited in trust and
4 maintained in cash or investments for the retirement of the bonds
5 being refunded, as shall be specified by the highways and
6 transportation commission and the authorizing resolution or trust
7 indenture securing such refunding bonds. The authorizing
8 resolution or trust indenture securing the refunding bonds shall
9 specify the amount and other terms of the refunding bonds and may
10 provide that the refunding bonds shall have the same security for
11 their payment as provided for the bonds being refunded. The
12 refunding bonds shall be for a period of not less than ten years
13 and not more than twenty years from their date of issue and shall
14 bear interest at a rate or rates not exceeding the rate permitted
15 by law. The principal amount of refunding bonds issued pursuant
16 to this section shall not be counted toward the limit on the
17 principal amount of bonds permitted pursuant to this section.

18 226.200. 1. There is hereby created a "State Highways and
19 Transportation Department Fund" into which shall be paid or
20 transferred all state revenue derived from highway users as an
21 incident to their use or right to use the highways of the state,
22 including all state license fees and taxes upon motor vehicles,
23 trailers, and motor vehicle fuels, and upon, with respect to, or
24 on the privilege of the manufacture, receipt, storage,
25 distribution, sale or use thereof (excepting the sales tax on
26 motor vehicles and trailers, and all property taxes), and all

1 other revenue received or held for expenditure by or under the
2 department of transportation or the state highways and
3 transportation commission, except:

- 4 (1) Money arising from the sale of bonds;
- 5 (2) Money received from the United States government; or
- 6 (3) Money received for some particular use or uses other
7 than for the payment of principal and interest on outstanding
8 state road bonds.

9 2. Subject to the limitations of subsection 3 of this
10 section, from said fund shall be paid or credited the cost:

11 (1) [Of collection of all said state revenue derived from
12 highway users as an incident to their use or right to use the
13 highways of the state;

14 (2)] Of maintaining the state highways and transportation
15 commission;

16 [(3)] (2) Of maintaining the state transportation
17 department;

18 [(4)] (3) Of any workers' compensation for state
19 transportation department employees;

20 [(5)] (4) Of the share of the transportation department in
21 any retirement program for state employees, only as may be
22 provided by law; and

23 [(6)] (5) Of administering and enforcing any state motor
24 vehicle laws or traffic regulations.

25 3. [For all future fiscal years,] The total amount of
26 appropriations from the state highways and transportation

1 department fund for all state offices and departments, except for
2 the Missouri highway patrol, shall [not exceed the total amount
3 appropriated for such offices and departments from said fund for
4 fiscal year 2001] be equal to four-fifths of the total amount
5 appropriated for such offices and departments from such fund for
6 fiscal year 2001 beginning the first fiscal year following voter
7 approval of this act, and shall be equal to three-fifths of the
8 total amount appropriated for such offices and departments from
9 such fund for fiscal year 2001 beginning the second fiscal year
10 following voter approval of this act, and shall be equal to two-
11 fifths of the total amount appropriated for such offices and
12 departments from such fund for fiscal year 2001 beginning the
13 third fiscal year following voter approval of this act, and shall
14 be equal to one-fifth of the total amount appropriated for such
15 offices and departments from each fund for fiscal year 2001
16 beginning the fourth fiscal year following voter approval of this
17 act, and shall be zero beginning the fifth fiscal year following
18 voter approval of this act and for all fiscal years thereafter,
19 and no revenues shall be appropriated from the state highways and
20 transportation department fund for all fiscal years thereafter to
21 any state office or department, except for the Missouri highway
22 patrol, unless such appropriations are approved by a two-thirds
23 vote of each house of the general assembly.

24 4. The provisions of subsection 3 of this section shall not
25 apply to appropriations from the state highways and
26 transportation department fund to the highways and transportation

1 commission and the state transportation department or to
2 appropriations to the office of administration for department of
3 transportation employee fringe benefits and OASDHI payments, or
4 to appropriations to the department of revenue for motor vehicle
5 fuel tax refunds under chapter 142, RSMo, or to appropriations to
6 the department of revenue for refunds or overpayments or
7 erroneous payments from the state highways and transportation
8 department fund.

9 5. All interest earned upon the state highways and
10 transportation department fund shall be deposited in and to the
11 credit of such fund.

12 6. Any balance remaining in said fund after payment of said
13 costs shall be transferred to the state road fund.

14 7. Notwithstanding the provisions of subsection 2 of this
15 section to the contrary, any funds raised as a result of
16 increased taxation pursuant to sections 142.025 and 142.372,
17 RSMo, after April 1, 1992, shall not be used for administrative
18 purposes or administrative expenses of the transportation
19 department.

20 226.540. Notwithstanding any other provisions of sections
21 226.500 to 226.600, outdoor advertising shall be permitted within
22 six hundred and sixty feet of the nearest edge of the
23 right-of-way of [any interstate or primary highway] highways
24 located on the interstate, federal-aid primary system as it
25 existed on June 1, 1991, or the national highway system as
26 amended in areas zoned industrial, commercial or the like and in

1 unzoned commercial and industrial areas as defined in this
2 section, subject to the following regulations which are
3 consistent with customary use in this state:

4 (1) Lighting:

5 (a) No revolving or rotating beam or beacon of light that
6 simulates any emergency light or device shall be permitted as
7 part of any sign. No flashing, intermittent, or moving light or
8 lights will be permitted except scoreboards and other illuminated
9 signs designating public service information, such as time, date,
10 or temperature, or similar information, will be allowed; tri-
11 vision, projection and other changeable message signs shall be
12 allowed subject to Missouri highway and transportation commission
13 regulations;

14 (b) External lighting, such as floodlights, thin line and
15 gooseneck reflectors are permitted, provided the light source is
16 directed upon the face of the sign and is effectively shielded so
17 as to prevent beams or rays of light from being directed into any
18 portion of the main traveled way of the federal-aid primary
19 highways as of June 1, 1991, and all highways designated as part
20 of the National Highway System by the National Highway System
21 Designation Act of 1995 and those highways subsequently
22 designated as part of the National Highway System and the lights
23 are not of such intensity so as to cause glare, impair the vision
24 of the driver of a motor vehicle, or otherwise interfere with a
25 driver's operation of a motor vehicle;

26 (c) No sign shall be so illuminated that it interferes with

1 the effectiveness of, or obscures, an official traffic sign,
2 device, or signal;

3 (2) Size of signs:

4 (a) The maximum area for any one sign shall be eight
5 hundred square feet with a maximum height of thirty feet and a
6 maximum length of seventy-two feet, inclusive of border and trim
7 but excluding the base or apron, supports, and other structural
8 members. The area shall be measured as established herein and in
9 rules promulgated by the commission. In determining the size of
10 a conforming or nonconforming sign structure, temporary cutouts
11 and extensions installed for the length of a specific display
12 contract shall not be [included in calculating] considered a
13 substantial increase to the size of the permanent display;
14 provided the actual square footage of such temporary cutouts or
15 extensions may not exceed thirty-three percent of the permanent
16 display area. Signs erected in accordance with the provisions of
17 sections 226.500 to 226.600 prior to the effective date of this
18 provision which fail to meet the requirements of this provision
19 shall be deemed legal nonconforming as defined herein;

20 (b) The maximum size limitations shall apply to each side
21 of a sign structure, and signs may be placed back to back, double
22 faced, or in V-type construction with not more than two displays
23 to each facing, but such sign structure shall be considered as
24 one sign;

25 (c) After August 28, 1999, no new sign structure shall be
26 erected in which two or more displays are stacked one above the

1 other. Stacked structures existing on or before August 28, 1999,
2 in accordance with sections 226.500 to 226.600 shall [not] be
3 deemed legal nonconforming [for failure to meet the requirements
4 of this section until such sign's structure is modified,
5 repaired, replaced or rebuilt] and may be maintained in
6 accordance with the provisions sections of 226.500 to 226.600.

7 Structures displaying more than one display on a horizontal basis
8 shall be allowed, provided that total display areas do not exceed
9 the maximum allowed square footage for a sign structure pursuant
10 to the provisions of paragraph (a) of subdivision (2) of this
11 section;

12 (3) Spacing of signs:

13 (a) On all interstate highways, [and] freeways [on the] and
14 nonfreeway federal-aid primary highways as of June 1, 1991, and
15 all highways designated as part of the National Highway System by
16 the National Highway System Designation Act of 1995 and those
17 highways subsequently designated as part of the National Highway
18 System:

19 a. No sign structure shall be erected within [five hundred]
20 one thousand four hundred feet of an existing sign on the same
21 side of the highway;

22 b. Outside of incorporated municipalities, no structure may
23 be located adjacent to or within five hundred feet of an
24 interchange, intersection at grade, or safety rest area. Such
25 five hundred feet shall be measured from the beginning or ending
26 of the pavement widening at the exit from or entrance to the main

1 traveled way. For purpose of this subparagraph, the term
2 "incorporated municipalities" shall include "urban areas", except
3 that such "urban areas" shall not be considered "incorporated
4 municipalities" if it is finally determined that such would have
5 the effect of making Missouri be in noncompliance with the
6 requirements of Title 23, United States Code, Section 131;

7 (b) [Nonfreeway federal-aid primary highways as of June 1,
8 1991, and all highways designated as part of the National Highway
9 System by the National Highway System Designation Act of 1995 and
10 those highways subsequently designated as part of the National
11 Highway System:

12 a. Outside incorporated municipalities, no structure shall
13 be erected within five hundred feet of an existing sign on the
14 same side of the highway. Sign structures existing prior to
15 August 28, 1999, which complied with the requirements of this
16 section when erected shall not be deemed nonconforming for
17 failure to comply with the spacing provisions of this section
18 until such sign's structure is modified, repaired, replaced or
19 rebuilt;

20 b. Within incorporated municipalities, no structure shall
21 be erected within five hundred feet of an existing sign. Sign
22 structures existing prior to August 28, 1999, which complied with
23 the requirements of this section when erected shall not be deemed
24 nonconforming for failure to comply with the spacing provisions
25 of this section until such sign's structure is modified,
26 repaired, replaced or rebuilt;

1 (c)] The spacing between structure provisions of
2 subdivision (3) of this section do not apply to signs which are
3 separated by buildings, natural surroundings, or other
4 obstructions in such manner that only one sign facing located
5 within such distance is visible at any one time. Directional or
6 other official signs or those advertising the sale or lease of
7 the property on which they are located, or those which advertise
8 activities on the property on which they are located, including
9 products sold, shall not be counted, nor shall measurements be
10 made from them for the purpose of compliance with spacing
11 provisions;

12 [(d)] (c) No sign shall be located in such manner as to
13 obstruct or otherwise physically interfere with the effectiveness
14 of an official traffic sign, signal, or device or obstruct or
15 physically interfere with a motor vehicle operator's view of
16 approaching, merging, or intersecting traffic;

17 [(e)] (d) The measurements in this section shall be the
18 minimum distances between outdoor advertising sign structures
19 measured along the nearest edge of the pavement between points
20 directly opposite the signs along each side of the highway and
21 shall apply only to outdoor advertising sign structures located
22 on the same side of the highway involved;

23 (4) As used in this section, the words "unzoned commercial
24 and industrial land" shall be defined as follows: that area not
25 zoned by state or local law or ordinance and on which there is
26 located one or more permanent structures used for a commercial

1 business or industrial activity or on which a commercial or
2 industrial activity is actually conducted together with the area
3 along the highway extending outwardly [six hundred] seven hundred
4 fifty feet from and beyond the edge of such activity. All
5 measurements shall be from the outer edges of the regularly used
6 improvements, buildings, parking lots, landscaped, storage or
7 processing areas of the commercial or industrial activity and
8 along and parallel to the edge of the pavement of the highway.
9 [On nonfreeway federal-aid primary highways as of June 1, 1991,
10 and all highways designated as part of the National Highway
11 System by the National Highway System Designation Act of 1995 and
12 those highways subsequently designated as part of the National
13 Highway System, where there is an unzoned commercial or
14 industrial area on one side of the road as described in this
15 section, the term "unzoned commercial or industrial land" shall
16 also include those lands directly opposite on the other side of
17 the highway to the extent of the same dimensions.] Unzoned land
18 shall not include:

19 (a) Land on the opposite side of [an interstate or freeway
20 primary] the highway from an unzoned commercial or industrial
21 area as defined in this section and located adjacent to highways
22 located on the interstate, federal-aid primary system as it
23 existed on June 1, 1991, or the national highway system as
24 amended, unless the opposite side of the highway qualifies as a
25 separate unzoned commercial or industrial area; or

26 (b) Land zoned by a state or local law, regulation, or

1 ordinance;

2 [(c) Land on the opposite side of a nonfreeway primary
3 highway which is determined by the proper state authority to be a
4 scenic area;]

5 (5) "Commercial or industrial activities" as used in this
6 section means those which are generally recognized as commercial
7 or industrial by zoning authorities in this state, except that
8 none of the following shall be considered commercial or
9 industrial:

10 (a) Outdoor advertising structures;

11 (b) Agricultural, forestry, ranching, grazing, farming, and
12 related activities, including seasonal roadside fresh produce
13 stands;

14 (c) Transient or temporary activities;

15 (d) Activities more than six hundred sixty feet from the
16 nearest edge of the right-of-way or not visible from the main
17 traveled way;

18 (e) Activities conducted in a building principally used as
19 a residence;

20 (f) Railroad tracks and minor sidings;

21 (6) The words "unzoned commercial or industrial land" shall
22 also include all areas not specified in this section which
23 constitute an "unzoned commercial or industrial area" within the
24 meaning of the present Section 131 of Title 23 of the United
25 States Code, or as such statute may be amended. As used in this
26 section, the words "zoned commercial or industrial area" shall

1 refer to those areas zoned commercial or industrial by the duly
2 constituted zoning authority of a municipality, county, or other
3 lawfully established political subdivision of the state, or by
4 the state and which is within seven hundred fifty feet of one or
5 more permanent commercial or industrial activities. [Unzoned]
6 Commercial or industrial activities as used in this section are
7 limited to those activities:

8 (a) In which the primary use of the property is commercial
9 or industrial in nature;

10 (b) Which are clearly visible from the highway and
11 recognizable as a commercial business;

12 (c) Which are permanent as opposed to temporary or
13 transitory and of a nature that would customarily be restricted
14 to commercial or industrial zoning in areas comprehensively
15 zoned; and

16 (d) In determining whether the primary use of the property
17 is commercial or industrial pursuant to paragraph (a) of this
18 subdivision, the state highways and transportation commission
19 shall consider the following factors:

20 a. The presence of a permanent and substantial building;

21 b. The existence of utilities and [required] local business
22 licenses, if any, for the commercial activity;

23 c. On-premise signs or other identification;

24 d. [Communication with the business owner that can be
25 accomplished at regular intervals either in person, by telephone,
26 by fax machine, by electronic mail or by some other business

1 means] The presence of an owner or employee on the premises for
2 at least 20 hours per week;

3 (7) In zoned commercial and industrial areas, whenever a
4 state, county or municipal zoning authority has adopted laws or
5 ordinances which include regulations with respect to the size,
6 lighting and spacing of signs, which regulations are consistent
7 with the intent of sections 226.500 to 226.600 and with customary
8 use, then from and after the effective date of such regulations,
9 and so long as they shall continue in effect, the provisions of
10 this section shall not apply to the erection of signs in such
11 areas. Notwithstanding any other provisions of this section,
12 after August 28, 1992, with respect to any outdoor advertising
13 which is regulated by the provisions of subdivision (1), (3) or
14 (4) of section 226.520 or subsection 1 of section 226.527:

15 (a) No county or municipality shall issue a permit to allow
16 a regulated sign to be newly erected without a permit issued by
17 the state highways and transportation commission;

18 (b) A county or municipality may charge a reasonable
19 one-time permit or inspection fee to assure compliance with local
20 wind load and electrical requirements when the sign is first
21 erected, but a county or municipality may not charge a permit or
22 inspection fee for such sign after such initial fee. Changing
23 the display face or performing routine maintenance shall not be
24 considered as erecting a new sign;

25 (8) The state highways and transportation commission on
26 behalf of the state of Missouri, may seek agreement with the

1 Secretary of Transportation of the United States under Section
2 131 of Title 23, United States Code, as amended, that sections
3 226.500 to 226.600 are in conformance with that Section 131 and
4 provides effective control of outdoor advertising signs as set
5 forth therein. If such agreement cannot be reached and the
6 penalties under subsection (b) of Section 131 are invoked, the
7 attorney general of this state shall institute proceedings
8 described in subsection (1) of that Section 131.

9 226.550. 1. No outdoor advertising which is regulated by
10 subdivision (1), (3) or (4) of section 226.520 or subsection 1 of
11 section 226.527 shall be erected or maintained on or after August
12 28, 1992, without a one-time permanent permit issued by the state
13 highways and transportation commission. Application for permits
14 shall be made to the state highways and transportation commission
15 on forms furnished by the commission and shall be accompanied by
16 a permit fee of [twenty-eight dollars and fifty cents] two
17 hundred dollars for all signs; except that, tax-exempt religious
18 organizations as defined in subdivision (11) of section 313.005,
19 RSMo, service organizations as defined in subdivision (12) of
20 section 313.005, RSMo, veterans' organizations as defined in
21 subdivision (14) of section 313.005, RSMo, and fraternal
22 organizations as defined in subdivision (8) of section 313.005,
23 RSMo, shall be granted a permit for signs less than seventy-six
24 square feet without payment of the fee. In the event a permit
25 holder fails to erect a sign structure within twenty-four months
26 of issuance, said permit shall expire and a new permit must be

1 obtained prior to any construction.

2 2. No outdoor advertising which is regulated by subdivision
3 (1), (3) or (4) of section 226.520 or subsection 1 of section
4 226.527 which was erected prior to August 28, 1992, shall be
5 maintained without a one-time permanent permit for outdoor
6 advertising issued by the state highways and transportation
7 commission. If a one-time permanent permit was issued by the
8 state highways and transportation commission after March 30,
9 1972, and before August 28, 1992, it is not necessary for a new
10 permit to be issued. If a one-time permanent permit was not
11 issued for a lawfully erected and lawfully existing sign by the
12 state highways and transportation commission after March 30,
13 1972, and before August 28, 1992, a one-time permanent permit
14 shall be issued by the commission for each sign which is lawfully
15 in existence on the day prior to August 28, 1992, upon
16 application and payment of a permit fee of [twenty-eight dollars
17 and fifty cents] two hundred dollars. All applications and fees
18 due pursuant to this subsection shall be submitted before
19 December 31, 1992.

20 3. For purposes of sections 226.500 to 226.600, the
21 terminology "structure lawfully in existence" or "lawfully
22 existing" sign or outdoor advertising shall, nevertheless,
23 include the following signs unless the signs violate the
24 provisions of subdivisions (3) to (7) of subsection 1 of section
25 226.580:

26 (1) All signs erected prior to January 1, 1968;

1 (2) All signs erected before March 30, 1972, but on or
2 after January 1, 1968, which would otherwise be lawful but for
3 the failure to have a permit for such signs prior to March 30,
4 1972, except that any sign or structure which was not in
5 compliance with sizing, spacing, lighting, or location
6 requirements of sections 226.500 to 226.600 as the sections
7 appeared in the revised statutes of Missouri 1969, wheresoever
8 located, shall not be considered a lawfully existing sign or
9 structure;

10 (3) All signs erected after March 30, 1972, which are in
11 conformity with sections 226.500 to 226.600;

12 (4) All signs erected in compliance with sections 226.500
13 to 226.600, RSMo, prior to the effective date of this act.

14 4. On or after August 28, 1992, the state highways and
15 transportation commission may, in addition to the fees authorized
16 by subsections 1 and 2 of this section, collect a biennial
17 inspection fee every two years after a state permit has been
18 issued. Biennial inspection fees due after August 28, [1992]
19 2002, and prior to August 28, 2003, shall be [twenty-eight
20 dollars and fifty cents] fifty dollars. Biennial inspection fees
21 due on or after August 28, 2003, shall be seventy-five dollars.
22 Biennial inspection fees due on or after August 28, 2004, shall
23 be one hundred dollars; except that, tax-exempt religious
24 organizations as defined in subdivision (11) of section 313.005,
25 RSMo, service organizations as defined in subdivision (12) of
26 section 313.005, RSMo, veterans' organizations as defined in

1 subdivision (14) of section 313.005, RSMo, and fraternal
2 organizations as defined in subdivision (8) of section 313.005,
3 RSMo, shall not be required to pay such fee.

4 5. [In order to effect collection from a sign owner of
5 delinquent and unpaid biennial inspection fees which are payable
6 pursuant to this section, or delinquent removal costs pursuant to
7 section 226.580, the state highways and transportation commission
8 may require any delinquent fees to be paid before a permit is
9 issued to the delinquent sign owner for any new sign.] In order
10 to effect the more efficient collection of biennial inspection
11 fees, the state highways and transportation commission is
12 encouraged to adopt a renewal system in which all permits in a
13 particular county are renewed in the same month. In conjunction
14 with the conversion to this renewal system, the state highways
15 and transportation commission is specifically authorized to
16 prorate renewal fees based on changes in renewal dates.

17 6. Sign owners or owners of the land on which signs are
18 located must apply to the state highways and transportation
19 commission for biennial inspection and submit any fees as
20 required by this section on or before December 31, 1992. For a
21 permitted sign which does not have a permit, a permit shall be
22 issued at the time of the next biennial inspection.

23 7. The state highways and transportation commission shall
24 deposit all fees received for outdoor advertising permits and
25 inspection fees in the state road fund, keeping a separate record
26 of such fees, and the same may be expended by the commission in

1 the administration of sections 226.500 to 226.600.

2 226.573. The state highways and transportation commission
3 is authorized to adopt administrative rules regulating the use of
4 new technology in outdoor advertising as allowed under federal
5 regulations for federal-aid primary highways as of June 1, 1991,
6 and all highways designated as part of the National Highway
7 System by the National Highway System Designation Act of 1995 and
8 those highways subsequently designated as part of the National
9 Highway System. Any rule or portion of a rule, as that term is
10 defined in section 536.010, RSMo, that is promulgated pursuant to
11 the authority delegated in this section shall become effective
12 only if it has been promulgated pursuant to the provisions of
13 chapter 536, RSMo. This section and chapter 536, RSMo, are
14 nonseverable and if any of the powers vested with the general
15 assembly pursuant to chapter 536, RSMo, to review, to delay the
16 effective date or to disapprove and annul a rule are subsequently
17 held unconstitutional, then the grant of rulemaking authority and
18 any rule proposed or adopted after [August 28, 1999,] the
19 effective date of this section shall be invalid and void.

20 226.580. 1. The following outdoor advertising within six
21 hundred sixty feet of the right-of-way of interstate or primary
22 highways is deemed unlawful and shall be subject to removal:

23 (1) Signs erected after March 30, 1972, contrary to the
24 provisions of sections 226.500 to 226.600 and signs erected on or
25 after January 1, 1968, but before March 30, 1972, contrary to the
26 sizing, spacing, lighting, or location provisions of sections

1 226.500 to 226.600 as they appeared in the revised statutes of
2 Missouri 1969; or

3 (2) Signs for which a permit is not obtained or a biennial
4 inspection fee is [not paid as prescribed in sections 226.500 to
5 226.600] more than twelve months past due; or

6 (3) Signs which are obsolete; (Signs shall not be
7 considered obsolete solely because they temporarily do not carry
8 an advertising message.) or

9 (4) Signs that are not in good repair; or

10 (5) Signs not securely affixed to a substantial structure;
11 or

12 (6) Signs which attempt or appear to attempt to regulate,
13 warn, or direct the movement of traffic or which interfere with,
14 imitate, or resemble any official traffic sign, signal, or
15 device; or

16 (7) Signs which are erected or maintained upon trees or
17 painted or drawn upon rocks or other natural features.

18 2. Signs erected after August 13, 1976, beyond six hundred
19 sixty feet of the right-of-way outside of urban areas, visible
20 from the main traveled way of the interstate or primary system
21 and erected with the purpose of their message being read from
22 such traveled way, except those signs described in subdivisions
23 (1) and (2) of section 226.520 are deemed unlawful and shall be
24 subject to removal.

25 3. If a sign is deemed to be unlawful for any of the
26 reasons set out in subsections 1 [and 2] through 7 of this

1 section, the state highways and transportation commission shall
2 give notice either by certified mail or by personal service to
3 the owner or occupant of the land on which advertising believed
4 to be unlawful is located and the owner of the outdoor
5 advertising structure. Such notice shall specify the basis for
6 the alleged unlawfulness, shall specify the remedial action which
7 is required to correct the unlawfulness and shall advise that a
8 failure to take the remedial action within [thirty] sixty days
9 will result in the sign being removed. Within [thirty] sixty
10 days after receipt of the notice as to him, the owner of the land
11 or of the structure may remove the sign or may take the remedial
12 action specified or may file an action for administrative review
13 pursuant to the provisions of sections 536.067 to 536.090, RSMo,
14 to review the action of the state highways and transportation
15 commission, or he may proceed under the provisions of section
16 536.150, RSMo, as if the act of the highways and transportation
17 commission was one not subject to administrative review.

18 Notwithstanding any other provisions of sections 226.500 to
19 226.600, no outdoor advertising structure erected prior to August
20 28, 1992, defined as a "structure lawfully in existence" or
21 "lawfully existing", by subdivision (1), (2) or (3) of subsection
22 2 of section 226.550, shall be removed for failure to have a
23 permit until a notice, as provided in this section, has been
24 issued which shall specify failure to obtain a permit or pay a
25 biennial inspection fee as the basis for alleged unlawfulness,
26 and shall advise that failure to take the remedial action of

1 applying for a permit or paying the inspection fee within
2 [thirty] sixty days will result in the sign being removed. Signs
3 for which biennial inspection fees are delinquent shall not be
4 removed unless the fees are more than twelve months past due and
5 actual notice of the delinquency has been provided to the sign
6 owner. Upon application made within the [thirty-day] sixty-day
7 period as provided in this section, and accompanied by the fee
8 prescribed by section 226.550, together with any inspection fees
9 that would have been payable if a permit had been timely issued,
10 the state highways and transportation commission shall issue a
11 one-time permanent permit for such sign. Such signs with respect
12 to which permits are so issued are hereby determined by the state
13 of Missouri to have been lawfully erected within the meaning of
14 "lawfully erected" as that term is used in Title 23, United
15 States Code, section 131(g), as amended, and shall only be
16 removed upon payment of just compensation, except that the
17 issuance of permits shall not entitle the owners of such signs to
18 compensation for their removal if it is finally determined that
19 such signs are not "lawfully erected" as that term is used in
20 section 131(g) of Title 23 of the United States Code.

21 4. If actual notice as provided in this section is given
22 and neither the remedial action specified is taken nor an action
23 for review is filed, or if an action for review is filed and is
24 finally adjudicated in favor of the state highways and
25 transportation commission, the state highways and transportation
26 commission shall have authority to immediately remove the

1 unlawful outdoor advertising. The owner of the structure shall
2 be liable for the costs of such removal. The commission shall
3 incur no liability for causing this removal, except for damage
4 caused by negligence of the commission, its agents or employees.

5 5. If notice as provided in this section is given and an
6 action for review is filed under the provisions of section
7 536.150, RSMo, or if administrative review pursuant to the
8 provisions of sections 536.067 to 536.090, RSMo, is filed and the
9 state highways and transportation commission enters its final
10 decision and order to remove the outdoor advertising structure,
11 the advertising message contained on the structure shall be
12 removed or concealed by the owner of the structure, at the
13 owner's expense, until the action for judicial review is finally
14 adjudicated. If the owner of the structure refuses or fails to
15 remove or conceal the advertising message, the commission may
16 remove or conceal the advertising message and the owner of the
17 structure shall be liable for the costs of such removal or
18 concealment. The commission shall incur no liability for causing
19 the removal or concealment of the advertising message while an
20 action for review is pending, except if the owner finally
21 prevails in its action for judicial review, the commission will
22 compensate the owner at the rate the owner is actually receiving
23 income from the advertiser pursuant to written lease from the
24 time the message is removed until the judicial review is final.

25 6. Any signs advertising tourist oriented type business
26 will be the last to be removed.

1 7. Any signs prohibited by section 226.527 which were
2 lawfully erected prior to August 13, 1976, shall be removed
3 pursuant to section 226.570.

4 8. The transportation department shall reimburse to the
5 lawful owners of any said nonconforming signs that are now in
6 existence as defined in sections 226.540, 226.550, 226.580 and
7 226.585, said compensation calculated and/or based on a fair
8 market value and not mere replacement cost.

9 226.585. 1. The state transportation department may cut
10 and trim any vegetation on the highway right-of-way which
11 interferes with the effectiveness of or obscures a lawfully
12 erected billboard, or the highways and transportation commission
13 shall promulgate reasonable rules and regulations to permit the
14 cutting and trimming of such vegetation on the highway or
15 right-of-way by the owner of such billboard. The right to a
16 vegetation permit by an outdoor advertising permit holder shall
17 be issued in accordance with the rules and regulations
18 promulgated by the highways and transportation commission. Such
19 rules and regulations shall be promulgated within twelve months
20 after August 28, 1992, or the commission shall suspend the
21 collection of the biennial inspection fees prescribed by section
22 226.550 until such rules are promulgated, and such rules may
23 include authority to charge a reasonable fee for such
24 [permission] permit. This section shall not apply if its
25 implementation would have the effect of making Missouri be in
26 noncompliance with requirements of Title 23, United States Code,

1 section 131.

2 226.670. No person shall operate, establish, or maintain a
3 junkyard, any portion of which is within one thousand feet of the
4 nearest edge of the right-of-way of any interstate or primary
5 highway, without obtaining a license from the state highways and
6 transportation commission of Missouri. The state highways and
7 transportation commission shall have authority to issue a license
8 for the establishment, operation, and maintenance of junkyards
9 within the limits established in the preceding section and shall
10 charge [an annual] a permit fee of [ten] fifty dollars, payable
11 in advance. All licenses shall expire on the first day of
12 January following the date of issue and the commission may charge
13 a pro rata part of the annual license fee for portions of a year.
14 Licenses shall be renewed from year to year on payment of [the
15 license fee] a twenty-five dollar renewal fee. Such fee shall be
16 deposited in the highway fund and be expended by the state
17 highways and transportation commission in the administration of
18 provisions of sections 226.650 to 226.720.

19 226.730. If a junkyard violates any provision of sections
20 226.650 to 226.720, the state highways and transportation
21 commission is authorized to give notice of violation either by
22 certified mail or by personal service to the owner or occupant of
23 the land on which the junkyard is located and to the owner of the
24 junkyard including any tenant interests. The notice of violation

1 shall specify the reason for the violation and shall specify the
2 remedial action which is required to correct the violation.
3 Remedial action may include removal of the junkyard. The notice
4 of violation shall also advise that a failure to take the
5 remedial action within thirty days of receipt of the notice of
6 violation or may request administrative review by the state
7 highways and transportation commission of the notice of
8 violation. Any administrative review shall be pursuant to
9 chapter 536. The state highways and transportation commission is
10 authorized to delegate the decision of administrative review to
11 the hearing officer or to an appeals board. In the event of such
12 delegation, the decision of the hearing officer or appeals board
13 in the administrative review shall be considered the decision of
14 the state highways and transportation commission. Any decision
15 may be judicially reviewed pursuant to chapter 536. The state
16 highways and transportation commission is authorized to remove or
17 abate the junkyard at the cost of the owner of such junkyard if
18 the specified remedial action is not taken and no timely request
19 for administrative review is made or if any decision on
20 administrative review is finally adjudicated in favor of the
21 state highways and transportation commission. The commission
22 shall incur no liability for causing the removal or abatement of
23 the junkyard except for damage caused by the negligence of the
24 commission, its agents, or employees.

1 227.100. 1. All contracts for the construction of said
2 work shall be let to the lowest responsible bidder or bidders
3 after notice and publication of an advertisement in a newspaper
4 published in the county where the work is to be done, and in such
5 other publications as the commission may determine[; provided,
6 that in all cases where the project advertised shall be for the
7 construction of more than ten miles of road, such advertisement
8 shall provide for bids on sections of said road not to exceed ten
9 miles, as well as on the project as a whole, and such contract
10 shall then be let so as to provide for the most economical
11 construction of said project].

12 2. Each bid shall be accompanied by a certified check or a
13 cashier's check or a bid bond, guaranteed by a surety company
14 authorized by the director of the department of insurance to
15 conduct surety business in the state of Missouri, equal to five
16 percent of the bid, which certified check, cashier's check, or
17 bid bond shall be deposited with the commissioner as a guaranty
18 and forfeited to the state treasurer to the credit of the state
19 road fund in the event the successful bidder fails to comply with
20 the terms of the proposal, and return to the successful bidder on
21 execution and delivery of the performance bond provided for in
22 subsection 4. The checks of the unsuccessful bidders shall be
23 returned to them in accordance with the terms of the proposal.

24 3. All notices of the letting of contracts under this
25 section shall state the time and place when and where bids will
26 be received and opened, and all bids shall be sealed and opened

1 only at the time and place mentioned in such notice and in the
2 presence of some member of the commission or some person named by
3 the commission for such purpose.

4 4. The successful bidders for the construction of said work
5 shall enter into contracts furnished and prescribed by the
6 commission and shall give good and sufficient bond, in a sum
7 equal to the contract price, to the state of Missouri, with
8 sureties approved by the commission and to ensure the proper and
9 prompt completion of said work in accordance with the provisions
10 of said contracts, and plans and specifications; provided, that
11 if, in the opinion of the majority of the members of the
12 commission, the lowest bid or bids for the construction of any of
13 the roads, or parts of roads, herein authorized to be
14 constructed, shall be excessive, then, and in that event, said
15 commission shall have the right, and it is hereby empowered and
16 authorized to reject any or all bids, and to construct, under its
17 own direction and supervision, all of such roads and bridges, or
18 any part thereof.

19 227.107. 1. Notwithstanding any provision of section
20 227.100 to the contrary, as an alternative to the requirements
21 and procedures specified by sections 227.040 to 227.100, the
22 state highways and transportation commission is authorized to
23 enter into one highway design-build project contract. The
24 design-build pilot project authorized by this section shall be
25 selected by the highways and transportation commission from
26 projects approved by the East-West Gateway Coordinating Council

1 and included in the statewide transportation improvement program
2 approved by the commission. Authority to enter into design-build
3 projects granted by this section shall expire on July 1, 2012,
4 unless extended by statute. Any design-build pilot project
5 contract entered into before July 1, 2012, may be continued to
6 its completion through the design-build method of construction.

7 2. For the purpose of this section a "design-builder" is
8 defined as an individual, corporation, partnership, joint venture
9 or other entity, including combinations of such entities making a
10 proposal to perform or performing a design-build highway project
11 contract.

12 3. For the purpose of this section, "design-build highway
13 project contract" is defined as the procurement of all materials
14 and services necessary for the design, construction,
15 reconstruction or improvement of a state highway project in a
16 single contract with a design-builder capable of providing the
17 necessary materials and services.

18 4. For the purpose of this section, "highway project" is
19 defined as the design, construction, reconstruction or
20 improvement of highways or bridges under contract with the state
21 highways and transportation commission, which is funded by state,
22 federal or local funds or any combination of such funds.

23 5. In using a design-build highway project contract, the
24 commission shall establish a written procedure by rule for
25 prequalifying design-builders before such design-builders will be
26 allowed to make a proposal on the project.

1 6. In any design-build highway project contract, whether
2 involving state or federal funds, the commission shall require
3 that each person submitting a request for qualifications provide
4 a detailed disadvantaged business enterprise participation plan.
5 The plan shall provide information describing the experience of
6 the person in meeting disadvantaged business enterprise
7 participation goals, how the person will meet the department of
8 transportation's disadvantaged business enterprise participation
9 goal and such other qualifications that the commission considers
10 to be in the best interest of the state.

11 7. The commission is authorized to issue a request for
12 proposals to a maximum of five design-builders prequalified in
13 accordance with subsection 5 of this section.

14 8. The design-builder awarded the contract for such project
15 shall perform work in actual construction of the project
16 amounting to not less than fifty percent of construction costs.
17 The commission may require approval of any person performing
18 subcontract work on the design-build highway project.

19 9. The bid bond and performance bond requirements of
20 section 227.100 and the payment bond requirements of section
21 107.170, RSMo, shall apply to the design-build highway project.

22 10. The commission is authorized to prescribe the form of
23 the contracts for the work.

24 11. The commission is empowered to make all final decisions
25 concerning the performance of the work under the design-build
26 highway project contract, including claims for additional time

1 and compensation.

2 12. The provisions of sections 8.285 to 8.291, RSMo, shall
3 not apply to the procurement of architectural, engineering or
4 land surveying services for the design-build highway project,
5 except that any person providing architectural, engineering or
6 land surveying services for the design-builder on the design-
7 build highway project must be licensed in Missouri to provide
8 such services.

9 13. The commission shall pay a reasonable stipend to
10 prequalified responsive design-builders who submit a proposal,
11 but are not awarded the design-build highway project.

12 14. The commission shall comply with the provisions of any
13 act of congress or any regulations of any federal administrative
14 agency which provides and authorizes the use of federal funds for
15 highway projects using the design-build process.

16 15. The commission shall promulgate administrative rules to
17 implement this section or to secure federal funds. Such rules
18 shall be published for comment in the Missouri Register and shall
19 include prequalification criteria, the make-up of the
20 prequalification review team, specifications for the design
21 criteria package, the method of advertising, receiving and
22 evaluating proposals from design-builders, the criteria for
23 awarding the design-build highway project based on the design
24 criteria package and a separate proposal stating the cost of
25 construction, and other methods, procedures and criteria
26 necessary to administer this section.

1 16. The commission shall make a status report to the
2 members of the general assembly and the governor following the
3 award of the design-build project, as an individual component of
4 the annual report submitted by the commission to the joint
5 transportation oversight committee in accordance with the
6 provisions of section 21.795, RSMo. The annual report prior to
7 advertisement of the design-build highway project contracts shall
8 state the goals of the project in reducing costs and/or the time
9 of completion for the project in comparison to the design-bid-
10 build method of construction and objective measurements to be
11 utilized in determining achievement of such goals. Subsequent
12 annual reports shall include: the time estimated for design and
13 construction of different phases or segments of the project and
14 the actual time required to complete such work during the period;
15 the amount of each progress payment to the design- builder during
16 the period and the percentage and a description of the portion of
17 the project completed regarding such payment; the number and a
18 description of design change orders issued during the period and
19 the cost of each such change order; upon substantial and final
20 completion, the total cost of the design-build highway project
21 with a breakdown of costs for design and construction; and such
22 other measurements as specified by rule. The annual report
23 immediately after final completion of the project shall state an
24 assessment of the advantages and disadvantages of the design-
25 build method of contracting for highway and bridge projects in
26 comparison to the design-bid-build method of contracting and an

1 assessment of whether the goals of the project in reducing costs
2 and/or the time of completion of the project were met.

3 17. The commission shall give public notice of a request
4 for qualifications in at least two public newspapers that are
5 distributed wholly or in part in this state and at least one
6 construction industry trade publication that is distributed
7 nationally.

8 18. The commission shall publish its cost estimates of the
9 design-build highway project award and the desired project
10 completion date along with its public notice requesting
11 qualifications of proposers for the design-build project.

12 19. If the commission fails to receive at least two
13 responsive submissions from design-builders considered qualified,
14 submissions shall not be opened and it shall readvertise the
15 project.

16 227.108. In any construction contract, whether involving
17 state or federal funds, the highways and transportation
18 commission shall require that each person submitting a request
19 for qualifications provide a detailed disadvantaged business
20 enterprise participation plan. The plan shall provide
21 information describing the experience of the person in meeting
22 disadvantaged business enterprise participation goals, how the
23 person will meet the department of transportation's disadvantaged
24 business enterprise participation goal and such other
25 qualifications that the commission considers to be in the best
26 interest of the state.

1 234.032. 1. The general assembly may annually appropriate
2 up to one million dollars from the state revenue fund to fund a
3 project to upgrade nonstate highway system bridges. Moneys shall
4 be appropriated to the department of transportation, which shall
5 administer the project. Moneys appropriated for this project
6 shall be kept separate from all other funds of the department and
7 shall be expended for the purposes specified in this section and
8 for no other purpose. The department shall establish procedures
9 to ensure accountability for the project funds, and shall require
10 an annual report from the university and will provide such
11 information to the governor and the general assembly as required
12 in the annual report.

13 2. The department shall establish appropriate procedures,
14 in accordance with the purposes of this section for selection of
15 project bridges. The department shall utilize one of the
16 innovation centers authorized by section 348.271, RSMo, as the
17 contracting organization for this project.

18 3. Moneys from the project funds shall be used for the
19 analysis and improvement of existing nonstate highway system
20 bridges. Bridges that are currently under the responsibility for
21 repair or maintenance by the department of transportation shall
22 not be eligible for this project.

23 4. The project shall utilize the center for infrastructure
24 engineering studies at the University of Missouri-Rolla for

1 selection of the applicable bridges that can be improved and the
2 lifespan extended by use of technology that has been developed
3 and tested. The selection shall be approved by the department of
4 transportation. The selection of bridges may consider the
5 following criteria:

6 (1) Those bridges whose usage has been seriously hampered
7 by load posting;

8 (2) Those bridges that have been approved by the local
9 authority to be included in this project;

10 (3) Those bridges that restoration can provide the greatest
11 local economic impact; and

12 (4) Those bridges that, combined together, provide the best
13 overall impact on the state.

14 5. The center for infrastructure engineering studies at the
15 University of Missouri-Rolla shall create and lead an industry
16 consortium to perform the structural analysis and technology
17 application required for the improvement of the selected bridges,
18 create the required technical data, and provide technology
19 transfer to local communities.

20 6. The University of Missouri-Rolla shall match every two
21 dollars appropriated with this project pursuant to this section
22 with one dollar from its research funds. Research funding for
23 this project may come from:

24 (1) Local county, city, or townships;

1 (2) Transportation districts;

2 (3) Federal government; and

3 (4) Private contributions.

4 7. State-approved moneys in the projects funds shall in no
5 event be used to defray costs normally attributed to
6 institutional overhead. The chargeability of any disputed item
7 shall be determined by the department, and decisions of the
8 department with respect to selection of applied projects shall be
9 final.

10 8. Reasonable and necessary administrative costs for the
11 solicitation and evaluation of projects proposals, and for the
12 preparation of reports concerning the project funds, shall be
13 chargeable to the project, subject to the approval of the
14 department.

15 301.129. There is established in this section an advisory
16 committee for the department of revenue, which shall exist solely
17 to develop uniform designs and common colors for motor vehicle
18 license plates issued under this chapter and to determine
19 appropriate license plate parameters for all license plates
20 issued [under] pursuant to this chapter. The advisory committee
21 may adopt more than one type of design and color scheme for
22 license plates issued [under] pursuant to this chapter; however,
23 each license plate of a distinct type shall be uniform in design
24 and color scheme with all other license plates of that distinct

1 type. The specifications for the fully reflective material used
2 for the plates, as required by section 301.130, shall be
3 determined by the committee. Such plates shall meet any specific
4 requirements prescribed in this chapter. The advisory committee
5 shall consist of the director of revenue, the superintendent of
6 the highway patrol, the correctional enterprises administrator,
7 one person appointed by the governor, one state senator appointed
8 by the president pro tem of the senate and one state
9 representative appointed by the speaker of the house of
10 representatives. Prior to April 1, [1996] 2003, the committee
11 [shall] may meet, select a chairman from among their members, and
12 develop uniform design and license plate parameters for the motor
13 vehicle license plates issued [under] pursuant to this chapter
14 with particular emphasis on public safety. Prior to determining
15 the final design of the plates, the committee shall hold at least
16 three public meetings in different areas of the state to invite
17 public input on the final design. Members of the committee shall
18 be reimbursed for their actual and necessary expenses incurred in
19 the performance of their duties under this section out of funds
20 appropriated for that purpose. The committee shall direct the
21 director of revenue to implement its final design of the uniform
22 motor vehicle license plates and any specific parameters for all
23 license plates developed by the committee not later than April 1,

1 [1996] 2003. The committee shall be dissolved upon completion of
2 its duties [under] pursuant to this section.

3 302.341. 1. If a Missouri resident charged with a moving
4 traffic violation of this state or any county or municipality of
5 this state fails to dispose of the charges of which he or she is
6 accused through authorized prepayment of fine and court costs and
7 fails to appear on the return date or at any subsequent date to
8 which the case has been continued, or without good cause fails to
9 pay any fine or court costs assessed against him or her for any
10 such violation within the period of time specified or in such
11 installments as approved by the court or as otherwise provided by
12 law, any court having jurisdiction over the charges shall within
13 ten days of the failure to comply inform the defendant by
14 ordinary mail at the last address shown on the court records that
15 the court will order the director of revenue to suspend the
16 defendant's driving privileges if the charges are not disposed of
17 and fully paid within thirty days from the date of mailing.
18 Thereafter, if the defendant fails to timely act to dispose of
19 the charges and fully pay any applicable fines and court costs,
20 the court shall notify the director of revenue of such failure
21 and of the pending charges against the defendant. Upon receipt
22 of this notification, the director shall suspend the license of
23 the driver, effective immediately, and provide notice of the
24 suspension to the driver at the last address for the driver shown
25 on the records of the department of revenue. Such suspension
26 shall remain in effect until the court with the subject pending

1 charge requests setting aside the noncompliance suspension
2 pending final disposition, or satisfactory evidence of
3 disposition of pending charges and payment of fine and court
4 costs, if applicable, is furnished to the director by the
5 individual. Upon proof of disposition of charges and payment of
6 fine and court costs, if applicable, and payment of the
7 reinstatement fee as set forth in section 302.304, the director
8 shall reinstate the license. The filing of financial
9 responsibility with the bureau of safety responsibility,
10 department of revenue, shall not be required as a condition of
11 reinstatement of a driver's license suspended solely under the
12 provisions of this section. If any city, town, or village
13 receives more than [forty-five] thirty-five percent of its
14 [total] annual general operating revenue from fines and court
15 costs for traffic violations occurring on state highways, all
16 revenues from such violations in excess of [forty-five] thirty-
17 five percent of the [total] annual general operating revenue of
18 the city, town, or village shall be sent to the director of the
19 department of revenue and shall be distributed annually to the
20 schools of the county in the same manner that proceeds of all
21 penalties, forfeitures and fines collected for any breach of the
22 penal laws of the state are distributed. For the purpose of this
23 section the words "state highways" shall mean any state or
24 federal highway, including any such highway continuing through
25 the boundaries of a city, town or village with a designated
26 street name other than the state highway number.

1 2. If any city, town, or village fails to send such excess
2 revenues to the director of the department of revenue in a timely
3 fashion which shall be set forth by the director by rule, such
4 city, town, or village shall submit to an annual audit by the
5 state auditor pursuant to the authority of Article IV, Section 13
6 of the Missouri Constitution. No rule or portion of a rule
7 promulgated pursuant to the authority of this section shall
8 become effective unless it has been promulgated pursuant to
9 chapter 536, RSMo.

10 302.720. 1. Except when operating under an instruction
11 permit as described in this section, no person may drive a
12 commercial motor vehicle unless the person has been issued a
13 commercial driver's license with applicable endorsements valid
14 for the type of vehicle being operated as specified in sections
15 302.700 to 302.780. A commercial driver's instruction permit
16 shall allow the holder of a valid license to operate a commercial
17 motor vehicle when accompanied by the holder of a commercial
18 driver's license valid for the vehicle being operated and who
19 occupies a seat beside the individual, or reasonably near the
20 individual in the case of buses, for the purpose of giving
21 instruction in driving the commercial motor vehicle. A
22 commercial driver's instruction permit shall be valid for the
23 vehicle being operated for a period of not more than six months,
24 and shall not be issued until the permit holder has met all other
25 requirements of sections 302.700 to 302.780, except for the
26 driving test. A permit holder, unless otherwise disqualified,

1 may be granted one six-month renewal within a one-year period.
2 The fee for such permit or renewal shall be five dollars. In the
3 alternative, a commercial driver's instruction permit shall be
4 issued for a thirty-day period to allow the holder of a valid
5 driver's license to operate a commercial motor vehicle if the
6 applicant has completed all other requirements except the driving
7 test. The permit may be renewed for one additional thirty-day
8 period and the fee for the permit and for renewal shall be five
9 dollars.

10 2. No person may be issued a commercial driver's license
11 until he has passed written and driving tests for the operation
12 of a commercial motor vehicle which complies with the minimum
13 federal standards established by the secretary and has satisfied
14 all other requirements of the Commercial Motor Vehicle Safety Act
15 of 1986 (Title XII of Pub. Law 99-570), as well as any other
16 requirements imposed by state law. Applicants for a hazardous
17 materials endorsement must also meet the requirements of the U.S.
18 Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and
19 required by regulations promulgated by the secretary. Nothing
20 contained in this subsection shall be construed as prohibiting
21 the director from establishing alternate testing formats for
22 those who are functionally illiterate; provided, however, that
23 any such alternate test must comply with the minimum requirements
24 of the Commercial Motor Vehicle Safety Act of 1986 (Title XII of
25 Pub. Law 99-570) as established by the secretary.

1 (1) The written and driving tests shall be held at such
2 times and in such places as the director may designate. A
3 five-dollar examination fee shall be paid by the applicant upon
4 completion of any written or driving test. The director shall
5 delegate the power to conduct the examinations required under
6 sections 302.700 to 302.780 to any member of the highway patrol
7 or any person employed by the highway patrol qualified to give
8 driving examinations.

9 (2) The director shall adopt and promulgate rules and
10 regulations governing the certification of third-party testers by
11 the department of revenue. Such rules and regulations shall
12 substantially comply with the requirements of 49 CFR Part 383,
13 Section 383.75. A certification to conduct third-party testing
14 shall be valid for one year, and the department shall charge a
15 fee of one hundred dollars to issue or renew the certification of
16 any third-party tester. Any third-party tester who violates any
17 of the rules and regulations adopted and promulgated pursuant to
18 this section shall be subject to having his certification revoked
19 by the department. The department shall provide written notice
20 and an opportunity for the third-party tester to be heard in
21 substantially the same manner as provided in chapter 536, RSMo.
22 If any applicant submits evidence that he has successfully
23 completed a test administered by a third-party tester, the actual
24 driving test for a commercial driver's license may then be
25 waived.

1 (3) Every applicant for renewal of a commercial driver's
2 license shall provide such certifications and information as
3 required by the secretary and if such person transports a
4 hazardous material must also meet the requirements of the U.S.
5 Patriot Act of 2001 (Title X of Pub. Law 107-56) as specified and
6 required by regulations promulgated by the secretary, such person
7 shall be required to take the written test for such endorsement.
8 A five-dollar examination fee shall be paid for each test taken.

9 3. The director may waive the driving test for a commercial
10 driver's license if such applicant provides the certifications
11 required by regulations established by the secretary as a
12 substitute for the driving test and holds a valid license.

13 4. The certifications may include, but not be limited to,
14 stating that during the two-year period immediately prior to
15 applying for a commercial driver's license the applicant:

16 (1) Has not had more than one license;

17 (2) Has not had any license suspended, revoked, canceled or
18 disqualified;

19 (3) Has not had a conviction in any type of motor vehicle
20 for driving while intoxicated, driving while under the influence
21 of alcohol or controlled substance, leaving the scene of an
22 accident or felony involving the use of a commercial motor
23 vehicle;

24 (4) Has not violated any state law or county or municipal
25 ordinance relating to the operation of a motor vehicle in
26 connection with an accident; and

1 (5) Has no record of an accident in which such applicant
2 was at fault.

3 5. In order to be valid as a certification exempting the
4 applicant from the driving test, the applicant shall also provide
5 evidence and certify that:

6 (1) He is regularly employed in a job requiring him to
7 drive a commercial motor vehicle; and

8 (2) He has previously taken and passed a driving test given
9 by a state with a classified licensing and testing system, and
10 that the test was behind the wheel in a representative vehicle
11 for that applicant's license classification; or

12 (3) He has operated, for at least two years immediately
13 preceding application for a commercial driver's license, a
14 vehicle representative of the commercial motor vehicle the
15 applicant drives or expects to drive.

16 6. A commercial driver's license may not be issued to a
17 person while the person is disqualified from driving a commercial
18 motor vehicle, when a disqualification is pending in any state or
19 while the person's driver's license is suspended, revoked, or
20 canceled in any state; nor may a commercial driver's license be
21 issued unless the person first surrenders in a manner prescribed
22 by the director any commercial driver's license issued by another
23 state, which license shall be returned to the issuing state for
24 cancellation.

25 304.001. As used in this chapter and chapter 307, RSMo, the
26 following terms shall mean:

1 (1) "Abandoned property", any unattended motor vehicle,
2 trailer, all-terrain vehicle, outboard motor or vessel removed or
3 subject to removal from public or private property as provided in
4 sections 304.155 and 304.157, whether or not operational. For
5 any vehicle towed from the scene of an accident at the request of
6 law enforcement and not retrieved by the vehicle's owner within
7 five working days of the accident, the agency requesting the tow
8 shall be required to write an abandoned property report;

9 (2) "Commercial vehicle enforcement officers", employees of
10 the Missouri state highway patrol who are not members of the
11 patrol but who are appointed by the superintendent of the highway
12 patrol to enforce the laws, rules, and regulations pertaining to
13 commercial vehicles, trailers, special mobile equipment and
14 drivers of such vehicles;

15 (3) "Commercial vehicle inspectors", employees of the
16 Missouri state highway patrol who are not members of the patrol
17 but who are appointed by the superintendent of the highway patrol
18 to supervise or operate permanent or portable weigh stations in
19 the enforcement of commercial vehicle laws;

20 (4) "Commission", the state highways and transportation
21 commission;

22 (5) "Department", the state transportation department;

23 (6) "Freeway", a divided state highway with four or more
24 lanes, with no access to the throughways except the established
25 interchanges and with no at-grade crossings;

1 (7) "Interstate highway", a state highway included in the
2 national system of interstate highways located within the
3 boundaries of Missouri, as officially designated or as may be
4 hereafter designated by the state highways and transportation
5 commission with the approval of the Secretary of Transportation,
6 pursuant to Title 23, U.S.C., as amended;

7 (8) "Members of the patrol", the superintendent, lieutenant
8 colonel, majors, captains, director of radio, lieutenants,
9 sergeants, corporals and patrolmen of the Missouri state highway
10 patrol;

11 (9) "Off-road vehicle", any vehicle designed for or capable
12 of cross-country travel on or immediately over land, water, ice,
13 snow, marsh, swampland, or other natural terrain without benefit
14 of a road or trail:

15 (a) Including, without limitation, the following:

16 a. Jeeps;

17 b. All-terrain vehicles;

18 c. Dune buggies;

19 d. Multiwheel drive or low-pressure tire vehicles;

20 e. Vehicle using an endless belt, or tread or treads, or a
21 combination of tread and low-pressure tires;

22 f. Motorcycles, trail bikes, minibikes and related
23 vehicles;

24 g. Any other means of transportation deriving power from
25 any source other than muscle or wind; and

26 (b) Excluding the following:

1 a. Registered motorboats;

2 b. Aircraft;

3 c. Any military, fire or law enforcement vehicle;

4 d. Farm-type tractors and other self-propelled equipment
5 for harvesting and transporting farm or forest products;

6 e. Any vehicle being used for farm purposes, earth moving,
7 or construction while being used for such purposes on the work
8 site;

9 f. Self-propelled lawnmowers, or lawn or garden tractors,
10 or golf carts, while being used exclusively for their designed
11 purpose; and

12 g. Any vehicle being used for the purpose of transporting a
13 handicapped person;

14 (10) "Person", any natural person, corporation, or other
15 legal entity;

16 (11) "Right-of-way", the entire width of land between the
17 boundary lines of a state highway, including any roadway;

18 (12) "Roadway", that portion of a state highway ordinarily
19 used for vehicular travel, exclusive of the berm or shoulder;

20 (13) "State highway", a highway constructed or maintained
21 by the state highways and transportation commission with the aid
22 of state funds or United States government funds, or any highway
23 included by authority of law in the state highway system,
24 including all right-of-way;

25 (14) "Towing company", any person or entity which tows,
26 removes or stores abandoned property;

1 (15) "Urbanized area", an area with a population of fifty
2 thousand or more designated by the Bureau of the Census, within
3 boundaries to be fixed by the state highways and transportation
4 commission and local officials in cooperation with each other and
5 approved by the Secretary of Transportation. The boundary of an
6 urbanized area shall, at a minimum, encompass the entire
7 urbanized area as designed by the Bureau of the Census.

8 304.370. 1. For the purpose of this section, hazardous
9 materials shall be defined pursuant to Part 397, Title 49, Code
10 of Federal Regulations, as adopted and amended.

11 2. No person shall transport hazardous materials in or
12 through any highway tunnel located beneath any airport runway in
13 this state. For purposes of this section, a tunnel shall be
14 defined as a horizontal subterranean passageway through or under
15 an obstruction of a length of one hundred yards or more.

16 3. No person shall park a vehicle containing hazardous
17 materials within three hundred feet of any highway tunnel located
18 beneath any airport runway in this state except as provided
19 pursuant to Part 397, Title 49, Code of Federal Regulations, as
20 such regulations have been and may periodically be amended.

21 4. Any person who is found or pleads guilty to a violation
22 of this section shall be guilty of a class B misdemeanor. Any
23 person who is found or pleads guilty to a second or subsequent
24 violation of this section shall be guilty of a class A
25 misdemeanor. Violations of this section shall be enforced
26 pursuant to section 390.201, RSMo.

1 305.230. 1. The state highways and transportation
2 commission shall administer an aeronautics program within this
3 state. The [state] commission shall encourage, foster and
4 participate with the political subdivisions of this state in the
5 promotion and development of aeronautics. The [state] commission
6 may provide financial assistance in the form of grants from funds
7 appropriated for such purpose to any political subdivision or
8 instrumentality of this state acting independently or jointly or
9 to the owner or owners of any privately owned airport designated
10 as a reliever by the Federal Aviation Administration for the
11 planning, acquisition, construction, improvement or maintenance
12 of airports, or for other aeronautical purposes.

13 2. Any political subdivision or instrumentality of this
14 state or the owner or owners of any privately owned airport
15 designated as a reliever by the Federal Aviation Administration
16 receiving state funds for the purchase, construction, or
17 improvement, except maintenance, of an airport shall agree before
18 any funds are paid to it to control by ownership or lease the
19 airport for a period equal to the useful life of the project as
20 determined by the [state] commission following the last payment
21 of state or federal funds to it. In the event an airport
22 authority ceases to exist for any reason, this obligation shall
23 be carried out by the governing body which created the authority.

24 3. Unless otherwise provided, grants to political
25 subdivisions, instrumentalities or to the owner or owners of any
26 privately owned airport designated as a reliever by the Federal

1 Aviation Administration shall be made from the aviation trust
2 fund. In making grants, the commission shall consider whether
3 the local community has given financial support to the airport in
4 the past. Priority shall be given to airports with local funding
5 for the past five years with no reduction in such funding. The
6 aviation trust fund is a revolving trust fund exempt from the
7 provisions of section 33.080, RSMo, relating to the transfer of
8 funds to the general revenue funds of the state by the state
9 treasurer. All interest earned upon the balance in the aviation
10 trust fund shall be deposited to the credit of the same fund.

11 4. The moneys in the aviation trust fund shall be
12 administered by the [state] commission and, when appropriated,
13 shall be used for the following purposes:

14 (1) As matching funds on an up to [eighty] ninety percent
15 [state/twenty] state/ten percent local basis, except in the case
16 where federal funds are being matched, when the ratio of state
17 and local funds used to match the federal funds shall be fifty
18 percent state/fifty percent local:

19 (a) For preventive maintenance of runways, taxiways and
20 aircraft parking areas, and for emergency repairs of the same;

21 (b) For the acquisition of land for the development and
22 improvement of airports;

23 (c) For the earthwork and drainage necessary for the
24 construction, reconstruction or repair of runways, taxiways, and
25 aircraft parking areas;

1 (d) For the construction, or restoration of runways,
2 taxiways, or aircraft parking areas;

3 (e) For the acquisition of land or easements necessary to
4 satisfy Federal Aviation Administration safety requirements;

5 (f) For the identification, marking or removal of natural
6 or manmade obstructions to airport control zone surfaces and
7 safety areas;

8 (g) For the installation of runway, taxiway, boundary,
9 ramp, or obstruction lights, together with any work directly
10 related to the electrical equipment;

11 (h) For the erection of fencing on or around the perimeter
12 of an airport;

13 (i) For purchase, installation or repair of air
14 navigational and landing aid facilities and communication
15 equipment;

16 (j) For engineering related to a project funded under the
17 provisions of this section and technical studies or consultation
18 related to aeronautics;

19 (k) For airport planning projects including master plans
20 and site selection for development of new airports, for updating
21 or establishing master plans and airport layout plans at existing
22 airports;

23 (l) For the purchase, installation, or repair of safety
24 equipment and such other capital improvements and equipment as
25 may be required for the safe and efficient operation of the
26 airport;

1 (2) As total funds, with no local match:

2 (a) For providing air markers, windsocks, and other items
3 determined to be in the interest of the safety of the general
4 flying public;

5 (b) For the printing and distribution of state aeronautical
6 charts and state airport directories on an annual basis, and a
7 newsletter on a quarterly basis or the publishing and
8 distribution of any public interest information deemed necessary
9 by the [state] commission;

10 (c) For the conducting of aviation safety workshops;

11 (d) For the promotion of aerospace education;

12 (3) As total funds with no local match, up to five hundred
13 thousand dollars per year may be used for the cost of operating
14 existing air traffic control towers that do not receive funding
15 from the Federal Aviation Administration or the United States
16 Department of Defense, except no more than one hundred
17 twenty-five thousand dollars per year may be used for any
18 individual control tower.

19 5. In the event of a natural or manmade disaster which
20 closes any runway or renders inoperative any electronic or visual
21 landing aid at an airport, any funds appropriated for the purpose
22 of capital improvements or maintenance of airports may be made
23 immediately available for necessary repairs once they are
24 approved by the [Missouri department of transportation]
25 commission. For projects designated as emergencies by the
26 [Missouri department of transportation] commission, all

1 requirements relating to normal procurement of engineering and
2 construction services are waived.

3 6. As used in this section, the term "instrumentality of
4 the state" shall mean any state educational institution as
5 defined in section 176.010, RSMo, or any state agency which owned
6 or operated an airport on January 1, 1997, and continues to own
7 or operate such airport.

8 307.205. 1. For the purposes of this section, "electric
9 personal assistive mobility device" (EPAMD) shall mean a self-
10 balancing, two nontandem wheeled device, designed to transport
11 only one person, with an electric propulsion system with an
12 average power of seven hundred fifty watts (one horsepower),
13 whose maximum speed on a paved level surface, when powered solely
14 by such a propulsion system while ridden by an operator who
15 weighs one hundred seventy pounds, is less than twenty miles per
16 hour.

17 2. An electric personal assistive mobility device may be
18 operated upon a street, highway, sidewalk, and bicycle path.
19 Every person operating such a device shall be granted all of the
20 rights and be subject to all of the duties applicable to a
21 pedestrian pursuant to chapter 304, RSMo.

22 3. Persons under sixteen years of age shall not operate an
23 electric personal assistive mobility device, except for an
24 operator with a mobility-related disability.

1 4. An electric personal assistive mobility device shall be
2 operated only on roadways with a speed limit of forty-five miles
3 per hour or less. This shall not prohibit the use of such device
4 when crossing roadways with speed limits in excess of forty-five
5 miles per hour.

6 5. A city or town shall have the authority to impose
7 additional regulations on the operation of an electric personal
8 assistive mobility device within its city or town limits.

9 307.207. Every electric personal assistive mobility device
10 (EPAMD) when in use on a roadway during the period from one-half
11 hour after sunset to one-half hour before sunrise shall be
12 equipped with the following:

13 (1) A front-facing lamp on the front or carried by the
14 rider which shall emit a white light visible at night under
15 normal atmospheric conditions on a straight, level, unlighted
16 roadway at five hundred feet;

17 (2) A rear-facing red reflector, at least two square inches
18 in reflective surface area, or a rear-facing red lamp, on the
19 rear which shall be visible at night under normal atmospheric
20 conditions on a straight, level, unlighted roadway when viewed by
21 a vehicle driver under the lower beams of vehicle headlights at
22 six hundred feet.

23 307.209. Every person operating an electric personal
24 assistive mobility device (EPAMD) at less than the posted speed

1 or slower than the flow of traffic upon a street or highway shall
2 ride as near to the right side of the roadway as safe, exercising
3 due care when passing a standing vehicle or one proceeding in the
4 same direction, except when making a left turn, when avoiding
5 hazardous conditions, when the lane is too narrow to share with
6 another vehicle, or when on a one-way street.

7 307.211. Any person seventeen years of age or older who
8 violates any provision of sections 307.205 to 307.211 is guilty
9 of an infraction and, upon conviction thereof, shall be punished
10 by a fine of not less than five dollars nor more than twenty-five
11 dollars. Such an infraction does not constitute a crime and
12 conviction shall not give rise to any disability or legal
13 disadvantage based on conviction of a criminal offense. If any
14 person under seventeen years of age violates any provision of
15 section 307.205 to 307.211 in the presence of a peace officer
16 possessing the duty and power of arrest for violation of the
17 general criminal laws of the state or for violation of ordinances
18 of counties or municipalities of the state, said officer may
19 impound the electric personal assistive mobility device (EPAMD)
20 involved for a period not to exceed five days upon issuance of a
21 receipt to the child riding it or to its owner.

22 Section B. Section A of this act is hereby submitted to the
23 qualified voters of this state for approval or rejection at an
24 election which is hereby ordered and which shall be held and
25 conducted on the Tuesday immediately following the first Monday

1 in November, 2002, or at a special election to be called by the
2 governor for that purpose, pursuant to the laws and
3 constitutional provisions of this state applicable to general
4 elections and the submission of referendum measures by initiative
5 petition, and section A of this act shall become effective
6 January 1, 2003, if approved by a majority of the votes cast
7 thereon at such election and not otherwise.

8 Section C. At the general election on the first Tuesday
9 immediately following the first Monday in November 2022, and
10 every ten years thereafter, the secretary of state shall submit
11 to the electors of this state the question: "Shall the
12 additional revenues for transportation included in sections
13 144.020 and 144.021, as approved by the voters in the November
14 2002 general election or any special election called by the
15 governor for such purpose, be renewed and extended for ten
16 years?". If a majority of the votes cast thereon is for the
17 affirmative, the additional revenues shall be renewed and
18 extended for ten years. If a majority of the votes cast thereon
19 is for the negative, the decennial referendum provision of this
20 section, the increase in rates included in sections 144.020 and
21 144.021, as approved by the voters in the November 2002 general
22 election or any special election called by the governor for such
23 purpose and which direct the deposit and use of revenues pursuant
24 to section A of this act shall expire on July first following the
25 election and return to the provisions in effect on January 1,
26 2002.

